

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow, are respectfully requested.

Claim 1 has been amended as suggested by Examiner Lish in a telephone discussion on May 17, 2004. The Examiner's helpful suggestion is acknowledged with appreciation. Claims 1-10 remain pending in the application.

Turning to the Final Rejection, claims 1-3, 5, 6 and 8-10 were rejected under 35 U.S.C. §102(b) as anticipated by WO 97/32644 and claims 1, 2, 4-6 and 8-10 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,872,259 to Reuter. Reconsideration of these rejections is requested in view of the above amendment to claim 1 and for at least the following reasons.

Applicant has previously argued that neither WO '644 nor Reuter '259 anticipates the rejected claims because the level of impurities in the emulsion being treated in these documents essentially remains constant for the reasons provided. This is in contrast to the presently claimed process where the level of impurities builds up in the treated emulsion-filtrate as the purifying cycle is repeated. In paragraph (2) on page 2 of the Office Action, the Examiner comments that this feature is not clearly expressed in the claims.

Claim 1 has been amended to specify in step (f) that the level of impurities in the emulsion builds up with the repetition of steps (b) to (d). There is no specific teaching in WO '644 or Reuter '259 that the level of impurities builds up in the emulsion-filtrate upon repetition of the purifying cycle. To constitute an anticipation, a single reference must expressly or inherently describe every feature of the rejected

claims. The cited documents fail to teach or suggest step (f), i.e. repeating steps (b)-(d) with the emulsion obtained from step (e) whereby the level of impurities builds up in the emulsion with the repetition of steps (b) to (d). As such, the claimed process is not anticipated by the disclosure in these documents.

For at least these reasons, the §102(b) rejections should be withdrawn. Such action is earnestly requested.

Claim 7 stands rejected under 35 U.S.C. §103(a) as unpatentable over WO '644 in view of U.S. Patent No. 3,141,743 to Marsh and under 35 U.S.C. §103(a) as unpatentable over Reuter '259 in view of Marsh '743. Reconsideration of these rejections is requested for at least the reasons which follow.

Marsh '743 does not remedy the deficiencies noted above for WO '644 and Reuter '259. Specifically, Marsh '743 does not disclose or suggest step (f) according to amended claim 1. Marsh '743 only provides information that centrifugation and washing of crystals is known for crystal separation. As such, the present claims are not *prima facie* obvious over the proposed combination of Reuter '259 or WO '644 with Marsh '743.

In view thereof, the §103(a) rejections of claim 7 should be reconsidered and withdrawn. Such action is respectfully requested.

Claims 1-10 were finally rejected under 35 U.S.C. §103(a) as unpatentable over the article by Davey et al. entitled "Purification of molecular mixtures below the eutectic by emulsion crystallization," 22 June 1995, Nature, vol. 375, pages 664-666 in view of U.S. Patent No. 4,010,142 to Hurlock et al. Reconsideration and withdrawal of this rejection are respectfully requested for at least the following reasons.

The Davey et al. article does not describe any recycling technique. The article relates to a specific emulsion crystallization and provides no information concerning emulsion recycling. Nothing in the Davey et al. article suggests recycling or an increase in the level of impurities upon crystallization after recycling.

Hurlock et al. '142 describes a process of vacuum-stripping an originally diluted solution at 25 to 50°C to produce an acrylamide concentration of 80%. In fact, most of the mother liquor is removed, and it is to be expected that almost all organic compounds present in the dilute acrylamide-water solution will be removed at least to some degree. The process which basically corresponds to a steam distillation method of diluting and distilling, is not akin and not applicable to emulsion crystallization. With emulsion crystallization, a distillation with such a strong increase in concentration and thus decrease in volume would be impossible to apply to most emulsions as these would break down and phase separate or other phenomena would occur that would be difficult to control. Therefore, the process of the reference would not be considered as useful for treating emulsion.

The Davey et al. article and Hurlock et al. '142 describe two different methods to isolate specific compounds in pure form. Their combined teachings does not suggest the presently claimed process of purifying emulsions which includes the steps of repeating crystallization and removal of a compound whereby the level of impurities builds up in the emulsion-filtrate.

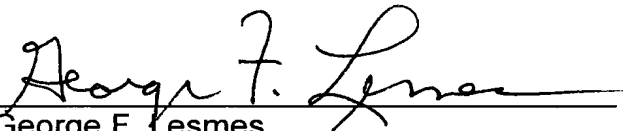
For at least these reasons, the combined disclosures of Davey et al. and Hurlock et al. '142 fail to render obvious the process described in claims 1-10. Accordingly, the §103(a) rejection based on combining the above mentioned documents should be withdrawn and such action is earnestly solicited.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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